

Enforcement referral for RCW 9A.76.175, Making False or Misleading Statement to a Public Servant

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

During the investigation of multiple King County Code Enforcement cases at the Gunshy Manor property in 2009, 2010 and 2011, the property owner and a contractor performing work made false or misleading statements to a code enforcement officer.

The statements indicated work being performed on the property was limited to existing roads and that no clearing had been performed.

The following three pages detail the false and misleading statements made in each case and provide evidence to refute each statement.

In each case, the investigator relied upon the statements to close code enforcement cases with no findings. The lack of enforcement findings resulted in widespread wetland destruction and violations of the U.S. Clean Water Act, U.S. Endangered Species Act and multiple state and county regulations.

Case E11G0142, Reported 8/17/2011

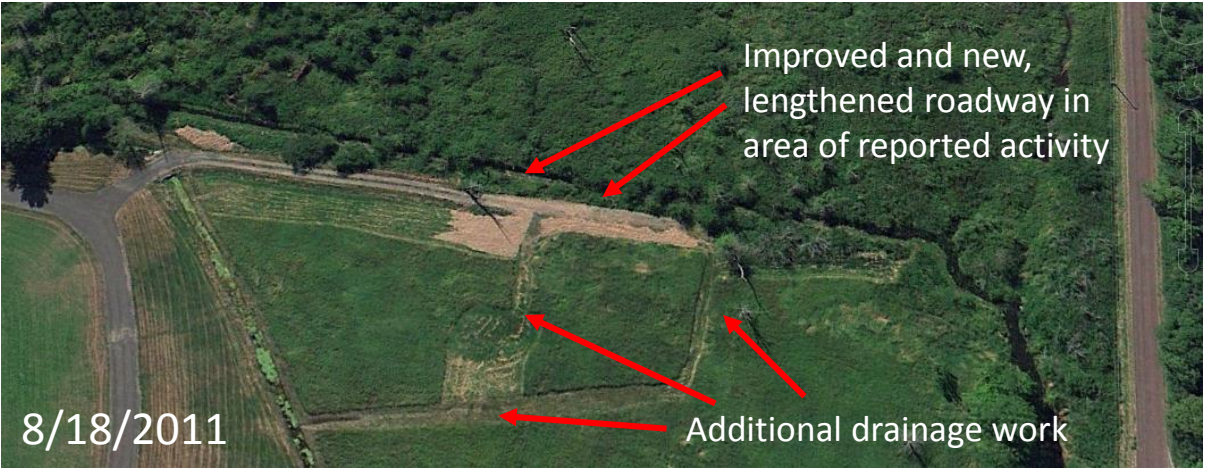
On 8/17/2011 a complaint was filed with the county about unpermitted clearing and grading within critical areas. **The property owner told the investigator the activity was only related to upkeep of existing roads and that new crushed material was being used on existing roadbeds.** Photos of fill dirt being loaded and dumped in wetlands on the day of the reported violation and aerial photographs of new roads created within the violation timeline suggest these were false and misleading statements.

Application Comments			
08/23/2011	Brenda	Wood	8/23/11 ONSITE WITH BUFF NELSON THE SON THEY HAVE APPROXIMATELY 7 MILES OF ROAD THROUGHOUT THE FARM THIS IS THE UPKEEP EVENT OF THE ROADS BEFORE SUMMER. NEW CRUSHED MATERIAL WAS PLACED ON SLL OF THE ROAD IN PREPARATION FOR WINTER ACCESS TO THE FIELDS AND FARM. DETERMINED TO BE MAINTENANCE AS YOU CAN SEE FROM PREVIOUS CASES.. CASE IS CLOSED

Investigator's notes documenting the misleading statements. The comments are consistent with her hand written notes from the conversation, available in the enforcement file.



Photos of dirt being loaded into truck (above) and truck backing into wetland area (below) on August 17th, 2011.



Case E10G0150, Reported 7/20/2010

On 7/20/2010 a complaint was filed with the county about extensive, unpermitted clearing and grading within critical areas. **The property owner and contractor performing the work told the investigator the activity was limited to existing roads.** Photos of trucks importing fill during the time frame of the violation, multiple witness accounts, and aerial photographs of new roads created within the violation timeline suggest these were false and misleading statements.

Application Comments		Breazeal	7-26-10 I SPOKE TO THE CONTRACTOR THAT BROUGHT IN THE GRAVEL. HE STATED THAT THEY WERE RE GRAVELING EXISTING ROADS.
07/29/2010	Jeri		

Application Comments		Breazeal	7-28-10 MET W/ OWNER ON SITE. THERE IS NO GRAVEL OUTSIDE OF EXISTING ROADBEDS. THEY GROW HAY AND
07/29/2010	Jeri		

Investigator's notes documenting the misleading statements. The comments document statements made by both the on-site contractor (Cascade Utilities) and the property owner.



A comparison of aerial photographs before and after the violation complaint indicate the presence of new road. Additionally, stream channelization and other fill and drainage work is visible.



Multiple witness accounts and analysis indicate hundreds of truck loads were used on the property to clear and grade new roads and to support the fill and draining of wetlands.

Case E09G0202, Reported 8/14/2009

On 8/14/2010 a complaint was phoned in to the county about extensive, unpermitted clearing and grading within critical areas. **The property owner told the investigator that they had not done any clearing.** Photos of trucks importing fill during the time frame of the violation, multiple witness accounts, and a comparison of before and after aerial photographs suggest false and misleading statements were made to the investigator.

Application Comments			
06/01/2010	Jeri	Breazeal	I SPOKE TO THE OWNER OF THE PROPERTY. THEY STATED THAT THEY HAVE NOT DONE ANY CLEARING. THEY WILL MOVE THE SHED AWAY FROM THE STREAM.

Investigator's notes documenting the misleading statements. The owner **"stated that they have not done any clearing."**

